

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION-IN-PART
APPLICATION UNDER 37 C.F.R. § 1.53(b)

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Customer No. **2 1 8 3 9**

Sir:

This is a request for filing a continuation-in-part application under 37 C.F.R. § 1.53(b) of pending Application No. 09/827,933 filed on April 9, 2001, for IMPROVED ENERGY RETURN SOLE FOR FOOTWEAR, by the following named inventor(s):

- (a) Full Name Rainer K. Schmid
- (b) Full Name _____
- (c) Full Name _____

☐ Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

☒ Applicant(s) suggests the inclusion of Figure 1 for inclusion on the front page of the patent application publication and/or patent.

☒ Applicant(s) requests that the published application include the following assignment information: Orthopedic Design.

1. ☒ Enclosed is/are 8 sheet(s) of drawings.
2. ☐ Enclosed is a certified copy of the priority document.
3. ☐ Enclosed is an Assignment document.
4. ☒ An ☐ executed ☒ unexecuted declaration of the inventor(s)
[X] also is enclosed ☐ will follow.
5. ☒ Small entity status is hereby claimed.
6. ☒ The filing fee is calculated below ☐ and in accordance with the enclosed preliminary amendment:

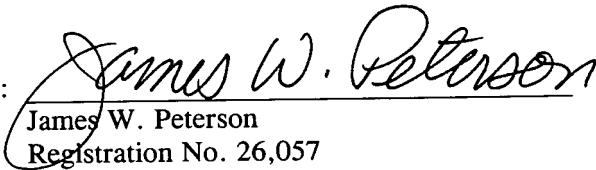
C L A I M S					
	No. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$770.00 (1001)
Total Claims	25	MINUS 20 =	5	× \$18.00 (1202) =	90.00
Independent Claims	3	MINUS 3 =	0	× \$86.00 (1201) =	0
If multiple dependent claims are presented, add \$290.00 (1203)					
Total Application Fee					860.00
If small entity status is claimed, subtract 50% of Total Application Fee					430.00
Add Assignment Recording Fee of <u>\$40.00 (8021)</u> if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					430.00

7. ☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
8. ☐ Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
9. ☒ A check in the amount of \$ 430.00 is enclosed for the fee due.
10. ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
11. ☒ New drawings are enclosed.
12. ☐ Priority of Application No. _ filed on _ in _ (country) is claimed under 35 U.S.C. § 119.
☐ The certified copy of the priority application
☐ is enclosed
☐ was filed on _ in prior Application No. __, filed on __, and acknowledged by the Examiner on _ in Paper No. _
☐ has not yet been filed.
13. ☐ A preliminary amendment is enclosed.
14. ☐ An Information Disclosure Statement is enclosed.
15. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
16. ☐ Also enclosed _.

17. [X] The power of attorney in the prior application is to James W. Peterson.
- a. [] The power appears in the original papers in the prior application.
 - b. [] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
 - c. [] Recognize as Associate Attorney .
 - d. [X] Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
Customer Number: **2 1 8 3 9**
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: October 7, 2003

By: 
James W. Peterson
Registration No. 26,057

ADDRESS OF SIGNATOR:

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- [] inventor(s)
- [] assignee of complete interest
- [X] attorney or agent of record
- [] filed under 37 C.F.R. § 1.34(a)